

Appl. No. 09/715,586  
Atty. Docket No. 5922R2CL  
Amdt. Dated September 28, 2006  
Reply to Office Action dated June 28, 2006  
Customer No. 27752

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#### REMARKS

Claims 1, 9-12, 14-18, 41, 47-52, 54-58, 66, 81, 95, 97-103, and 105-108 remain pending in the instant Application and are presented for the Office's review in light of the following comments.

#### Rejection Under 35 U.S.C. §103

Claims 1, 9-11, 14-18-11, 14-18, 41-51, 54-58, 66, 81, 95-99, and 101-107 have been rejected under 35 U.S.C. §103(a) over Wilbur, U.S. Patent No. 2,338,749 in view of Sanders, U.S. Patent No. 5,344,693, and further in view of the admitted prior art Applicants respectfully traverse this rejection and request reconsideration and withdrawal of the Office's 35 U.S.C. §103(a) rejection based upon the following additional comments:

To establish a *prima facie* case of obviousness under 35 USC §103(a), the Office must provide a reference or combination of references, that teach or suggest all of the limitations of the invention as claimed. Applicant submits that the references cited by the Office do not teach or suggest all of the claimed limitations and therefore fail to support a *prima facie* case of obviousness under 35 USC §103(a). Specifically, the references fail to teach or suggest a material that is activated by the application of a tensile force to the material and the claimed flexibility and resilience.

In this instance, the Office admits that *Wilbur* does not teach a structure which is activatable by the application of a tensile force. The Office provides that the structures taught by the *Sanders* reference inherently possess the claimed feature of being activatable in response to an applied tensile force. Inherency requires that a feature must necessarily be present or arise from the teachings of the reference. References must be taken as a whole.

The *Sanders* reference provides that the invention is characterized by spacing means which are non-divergent relative one to another in normal use (col. 1 line 66 – col. 2 line 2). Taken as a whole, *Sanders* does not teach a web material capable of activation when subjected to a tensile force as such activation would require spacing means which are necessarily divergent relative one to another during normal use. Combining the non-divergent spacing means of *Sanders*, with *Wilbur* does not provide a teaching of a structure which is activatable by the application of a tensile force to the structure despite any similarity of appearance found between the illustrations of the reference and the instant application.

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The Office also admits that *Wilbur* does not teach or suggest a web which is conformable and has a small resiliency as Applicants claims a web which will conform readily to a desired surface and having sufficiently small resiliency that it does not exert undue restorative forces that would tend to cause said sheet of material to break contact with such a desired surface. The Office points to a combination of *Wilbur* and cling wrap as providing the support for an obviousness rejection regarding this element. To combine references in support of a rejection under 35 USC §103, there must be a reasonable expectation of success in the combination. Applicant submits that there is no basis for the presumption that the unique structure of cling films may readily be altered by adding an adhesive layer from *Wilbur* together with the structure of *Sanders* while retaining the performance of the original structure in the areas of resilience and flexibility. Nothing in the reference teaches or suggests that a homogeneous monolayer structure such as a cling wrap may be converted to a non-homogeneous multilayer structure without impacting any of the physical properties of the original monolayer structure. The combination of the flexible nature of cling wrap with the structures of *Wilbur* and *Sanders* for the purposes of this Office Action is not done with any reasonable expectation of success and should be withdrawn as a supporting basis for any rejection under 35 USC §103.

Applicants submit that the cited combinations do not teach or suggest each of the limitations of the invention as claimed. The combinations do not support a rejection under 35 USC §103(a). The rejection should be reconsidered and withdrawn.

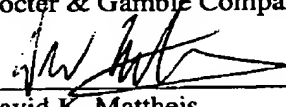
#### Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

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This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Office is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,  
The Procter & Gamble Company

  
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